

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 26, 1946  
11:15 A.M.

Council Chamber, City Hall

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The meeting was called to order, with Mayor Miller presiding.

## Roll call

Present : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen  
Thornberry and Wolf - 5

Absent : None

Present also: Guiton Morgan, City Manager; W.T. Williams, Jr., Assistant City Attorney.

The reading of the Minutes was dispensed with.

The application of Miss Laura Lewis Giles, Route 3, Box 393, Austin, Texas, for a change in zoning, from "A" Residence District to "C" Commercial District, of property known as 5905 East Avenue, containing 12.91 acres, was received and the matter was referred to the Board of Adjustment for consideration and recommendation.

The application of G. B. Yeazel, 1010 West 24th Street, for a private boat license covering snipe class sailboat, "Mariner", 2-passenger, duly approved by the Lake Austin Navigation Board, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of THOMAS BARTON WOHLER, 4204 Avenue B, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of JOHN WALTER JONES, 1802 Lavaca Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted.

Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of LORIS ELWOOD GALLOWAY, 1906 San Gabriel Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of ALFRED BIRKNER, 300 Congress Avenue, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1942 Model, Motor No. AA-1041911, State License No. FX-8140, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of FRED JONES, 1918 East 12th Street, for a license to operate as a taxicab a 4-door Pontiac Sedan, 1939 Model, Motor No. 158624, State License No. FX-9319, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in MOFFETT DRIVE, from a point 166 feet south of Windsor Road southerly 70 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Moffett Drive.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (2) A gas main in ROWENA STREET from East 50 $\frac{1}{2}$  Street northerly 116 feet, the centerline of which gas main shall be 14 feet east of and parallel to west property line of said Rowena Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (3) A gas main in BENNETT AVENUE from Ellingson Lane northerly 73 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Bennett Avenue.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (4) A gas main in WASHINGTON AVENUE from a point 63 feet east of Salina Street westerly 257 feet, the centerline of which gas main shall be 23 feet south of, and parallel to, the north property line of said Washington Avenue.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (5) A gas main in AVENUE D from a point 183 feet north of West 46th Street northerly 128 feet, the centerline of which gas main shall be 12 feet east of and parallel to the west property line of said Avenue D.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (6) A gas main in STEVENSON AVENUE from a point 139 feet west of Hopi Trail westerly 87 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Stevenson Avenue.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (7) A gas main in ROBINSON AVENUE from a point 333 feet north of Edgewood Avenue southerly 98 feet, the centerline of which gas main shall be 13.5 feet west of and parallel to the east property line of said Robinson Avenue.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (8) A gas main in HOLLYWOOD AVENUE from a point 59 feet north of Edgewood Avenue southerly 17 feet, the centerline of which gas main shall be 12.5 feet west of and parallel to the east property line of said Hollywood Avenue.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (9) A gas main in WEST 39 $\frac{1}{2}$  STREET from a point 65 feet west of Seiders Avenue westerly 125 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said West 39 $\frac{1}{2}$  Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (10) A gas main in WAYSIDE DRIVE from West 9th Street southerly 227 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Wayside Drive.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (11) A gas main in WEST 51ST STREET from a point 81 feet west of Woodrow Avenue westerly 340 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said West 51st Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (12) A gas main in SAN GABRIEL STREET from a point 166 feet south of West 26th Street southerly 290 feet, the centerline of which gas main shall be 12 feet west of and parallel to the east property line of said San Gabriel Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (13) A gas main in MARCELL STREET from St. Johns Avenue to O'Dell Street, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Marcell Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (14) A gas main in O'DELL STREET from Marcell Street westerly 392 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said O'Dell Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (15) A gas main in MOHLE DRIVE from a point 431 feet west of Jefferson Street westerly 288 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Mohle Drive.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (16) A gas main in SETON AVENUE from West 24th Street northerly 239 feet, the centerline of which gas main shall be 13.5 feet west of and parallel to the east property line of said Seton Avenue.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (17) A gas main in SINCLAIR AVENUE from a point 215 feet north of West 40th Street southerly to West 40th Street, the centerline of which gas main shall be 9 feet west of and parallel to the east property line of said Sinclair Avenue.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (18) A gas main in WEST 40TH STREET from Sinclair Avenue easterly 66 feet, the centerline of which gas main shall be 13 feet south of and parallel to the north property line of said West 40th Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (19) A gas main in RAMSEY AVENUE from a point 70 feet south of West 41st Street southerly 290 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Ramsey Avenue.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (20) A gas main in WEST 40TH STREET from a point 5 feet east of Burnet Road easterly 84 feet, the centerline of which gas main shall be 13 feet south of and parallel to the north property line of said West 40th Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (21) A gas main in WEST 40TH STREET from a point 119 feet east of Rosedale Avenue easterly to Burnet Road, the centerline of which gas main shall be 13 feet south of and parallel to the north property line of said West 40th Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (22) A gas main in WEST 40TH STREET from a point 15 feet west of Rosedale Avenue westerly 90 feet, the centerline of which gas main shall be 13 feet south of and parallel to the north property line of said West 40th Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (23) A gas main in SPEEDWAY from a point 107 feet south of East 46th Street northerly 80 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Speedway.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (24) A gas main in WEST 40TH STREET from a point 60 feet west of Alice Avenue westerly 486 feet, the centerline of which gas main shall be 12 feet south of and parallel to the north property line of said West 40th Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

- (25) A gas main in EVA STREET from a point 180 feet north of West Elizabeth Street northerly 130 feet, the centerline of which gas main shall be 19 feet west of the east property line of said Eva Street.

Said gas main described above shall have a cover of not less than 2.5 feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Pursuant to request of the League of Texas Municipalities, the Mayor was authorized to issue a proclamation proclaiming the week of October 6-12 as FIRE PREVENTION WEEK.

A committee from the Retail Grocers Association submitted a request in writing, signed by D. A. Shipwash, Secretary, asking that due to existing shortage of milk and the more acute shortage anticipated in the near future, recombined milk be allowed to be sold in the City.

The City Manager submitted letters received by the City Health Officer from Superior Dairies and Bryant Creamery Company favoring the sale of recombined milk to meet the present shortage.

A letter from the Austin Wholesale Milk Producers Association, protesting the sale of recombined milk, was received also.

After some discussion, the matter was taken under advisement with the City Health Officer, and the Mayor stated that a public hearing on same would probably be called later.

Tom Graham, representing the Westenfield Development Company, came before the Council and submitted an offer in writing for the purchase of the triangular strip of ground owned by the City, bordering Shoal Creek north of West 12th Street, for the sum of \$1,000.00. The matter was taken under advisement with the City Manager for investigation.

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby, authorized and directed to execute for and on behalf of the City of Austin contracts with Mr. Murray P. Ramsey, Mrs. May La Prelle Price, Mr. Clarence McCullough, and Dr. J.S.Koenig for the construction of water mains and sanitary sewer lines in their various subdivisions or in accordance with terms and provisions to be set forth in certain contracts mutually agreed upon, copies of which are attached hereto and made a part hereof for all purposes.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Samuel Wiseman Jimerson came before the Council in an appeal for reinstatement of his taxicab driver's permit which had been revoked. The matter was referred to the Chief of Police to determine if he would recommend a 90-day probationary permit.

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, heretofore E. E. Foster and wife, Mary Foster, conveyed one thousand seven hundred forty-three (1743) square feet of land to the City of Austin for the purpose of widening Wayside Drive and it is desired by the City and said E. E. Foster and wife, Mary Foster, that the City accept for such use, and that the said E. E. Foster and wife, Mary Foster, convey for such use, only a portion of such property heretofore granted; and

WHEREAS, a new conveyance will be executed by the said E. E. Foster and wife, Mary Foster, conveying to the City the portion of such property desired by the City; now, therefore, in consideration of the premises,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Guiton Morgan, City Manager, be and he is hereby authorized to execute a deed to E. E. Foster and wife, Mary Foster, reconveying to said

parties one thousand seven hundred forty-three (1743) square feet of land, the same being a portion of Lot 6, Block 7, Westfield A, a subdivision of a portion of the George W. Spear League within the City of Austin, Travis County, Texas, being the same land heretofore conveyed by E. E. Foster and wife, Mary Foster, to the City of Austin by deed dated April 1, 1946, and recorded in Book 788, at page 253, of the Deed Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

There being no further business, upon motion of Councilman Thornberry, the meeting was recessed at 1:30 P. M., subject to call of the Mayor.

Approved: \_\_\_\_\_

*Tom Miller*

MAYOR

Attest:

*Helene McAllen*

City Clerk